

REMARKS

Claims 9, 11, 13 and 22 have been amended. Claims 1-22 remain in this application.

Reconsideration of claims 1-22 of this application is respectfully requested.

Claim Rejections Under 35 U.S.C. §112

Claims 9, 11, 13 and 22 were rejected under 35 U.S.C. §112, as lacking antecedent basis for limitations in the claims. Claims 9, 11, 13 and 22 have been amended.

Claim Rejections Under 35 U.S.C. §102(e)

The Examiner has rejected claims 1-22 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,372,901 to Partain, III et al. (hereinafter "the '901 patent"). Applicants traverse this rejection for the following reasons.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The '901 patent is directed to producing latex compositions by combining the latex polymer and polysaccharide with water. The '901 patent teaches starting with an amount of dry latex polymer at about 1 to about 50 percent of the total latex composition. In contrast to the Applicants' invention, the latex formulations of the '901 patent utilize dry pigment grinds, which are then combined with a polysaccharide slurry that provides the latex with improved rheology and stability. The '901 patent does not describe each and every element in Applicants' claims 1-22. Specifically, the '901 patent does not teach the required elements of the waterborne coating composition comprising liquid blend raw materials of a titanium dioxide slurry, an extender pigment slurry, a thickener slurry, a glycol slurry and at least one latex binder. The '901 patent also does not teach preparing a waterborne coating composition comprising admixing a plurality of liquid

blend raw materials. The '901 patent does not teach these required elements for its coating composition. Therefore, claims 1 and 15 are not anticipated by the '901 patent. Accordingly, because claims 2-14 and 16-22 are dependent from claims 1 and 15, respectively, these claims are also not anticipated by the '901 patent. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. §102(e) is respectfully requested.

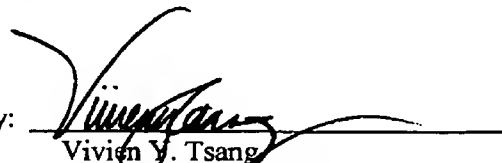
In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested.

If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 19-2025.

Respectfully submitted,

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March 10, 2006

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